

**Rule 52. Findings and conclusions by the court; amended findings; waiver of findings and conclusions; correction of the record; judgment on partial findings.**

**(a) Effect Findings and conclusions.**

(a)(1) In all actions tried upon the facts without a jury or with an advisory jury, the court ~~shall~~ must find the facts specially and state separately its conclusions of law ~~thereon, and judgment shall be entered pursuant to Rule 58A; in~~ The findings and conclusions must be made part of the record and may be stated in writing or orally following the close of the evidence.

(a)(2) In granting or refusing interlocutory injunctions the court ~~shall~~ must similarly set forth the findings of fact and conclusions of law ~~which constitute the grounds of that support its action.~~

~~Requests for findings are not necessary for purposes of review.~~

(a)(3) A party may later question the sufficiency of the evidence supporting the findings, whether or not the party requested findings, objected to them, moved to amend them, or moved for partial findings.

(a)(4) Findings of fact, whether based on oral or ~~documentary~~ other evidence, ~~shall~~ must not be set aside unless clearly erroneous, and the reviewing court must give due regard ~~shall be given to the opportunity of the trial court's opportunity~~ to judge the credibility of the witnesses.

(a)(5) The findings of a master, to the extent that the court adopts them, ~~shall~~ must be considered as the findings of the court. ~~It will be sufficient if the findings of fact and conclusions of law are stated orally and recorded in open court following the close of the evidence or appear in an opinion or memorandum of decision filed by the court.~~

(a)(6) The trial court need not enter findings of fact and conclusions of law in rulings on motions, ~~except as provided in Rule 41(b). The~~ but the court shall must, however, issue a brief written statement of the ~~ground reasons~~ ground reasons for its decision on all motions granted under Rules 12(b), 50(a) and (b), 56, and 59 when the motion is based on more than one ~~ground~~ reason.

**(b) Amendment Amended or additional findings.** Upon motion of a party ~~made~~ filed not later than 14-28 days after entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may ~~be made with~~ accompany a motion for a new trial pursuant to under Rule 59. ~~When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of the evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the district court an objection to such findings or has made either a motion to amend them, a motion for judgment, or a motion for a new trial.~~

**(c) Waiver of findings of fact and conclusions of law.** Except in actions for divorce, the parties may waive findings of fact and conclusions of law ~~may be waived by the parties to an issue of fact:~~

(c)(1) by default or by failing to appear at the trial;

(c)(2) by consent in writing, filed in the ~~cause~~ action;

(c)(3) by oral consent in open court, entered in the minutes.

37       **(d) Correction of the record.** If anything material is omitted from or misstated in the transcript of an  
38 audio or video record of a hearing or trial, or if a disagreement arises as to whether the record accurately  
39 discloses what occurred in the proceeding, a party may move to correct the record. The motion must be  
40 filed within ~~40~~14 days after the transcript of the hearing is filed, unless good cause is shown. The  
41 omission, misstatement or disagreement ~~shall~~will be resolved by the court and the record made to  
42 accurately reflect the proceeding.

43       **(e) Judgment on partial findings.** If a party has been fully heard on an issue during a nonjury trial  
44 and the court finds against the party on that issue, the court may enter judgment against the party on a  
45 claim or defense that, under the controlling law, can be maintained or defeated only with a favorable  
46 finding on that issue. The court may, however, decline to render any judgment until the close of the  
47 evidence. A judgment on partial findings must be supported by findings of fact and conclusions of law as  
48 required by paragraph (a).

49       **Advisory Committee Note**

50       The 2016 amendments adopt the plain-language style of Federal Rule of Civil Procedure 52. And, like  
51 the federal rule, the 2016 amendments move a provision found in Rule 41(b) to this rule. Formerly, if a  
52 plaintiff had presented its case and the evidence did not support the claim, the court—in a trial by the  
53 court—could find for the defendant without having to hear the defendant's evidence. The equivalent  
54 provision now found in paragraph (e) extends that principle to claims other than the plaintiff's and, if a  
55 party's evidence on any particular element of the cause of action is complete but insufficient, allows the  
56 court to make findings and conclusions and enter judgment accordingly.